



HINSHAW & CULBERTSON LLP

Attorneys at Law

151 North Franklin Street

Suite 2500

Chicago, IL 60606

312-704-3000

312-704-3001 (fax)

www.hinshawlaw.com

March 7, 2024

Via ECF

Hon. James R. Cho
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Joseph, et al. v. Frontier Airlines, Inc.*
Case No. 1:21-cv-06054-WFK-JRC

Dear Magistrate Judge Cho:

Pursuant to provision (F)(4) of the Court's Individual Practices, the parties jointly write to the Court to describe their discovery dispute regarding Plaintiffs' responses to Frontier Airlines, Inc.'s ("Frontier") First Set of Interrogatories and First Set of Requests to Produce to Plaintiffs.

Frontier's Submission in Support of its Motion to Compel Plaintiffs to Respond to Discovery

Plaintiffs (9 adults and 6 minors) were ticketed passengers on Frontier Airlines flight number 2878, which was scheduled to depart from Miami International Airport, Miami, Florida and arrive at LaGuardia Airport, Queens, New York, on February 28, 2021. Plaintiffs filed the underlying lawsuit claiming Frontier unlawfully removed them from the subject flight and discriminated against them in violation of 42 U.S.C. § 1981. Plaintiffs seek compensatory damages, punitive damages, and declaratory and injunctive relief. Frontier denies all material liability and damages-related allegations.

On December 13, 2023, Frontier served its First Set of Interrogatories to Plaintiffs. Frontier also re-circulated its original First Set of Requests to Produce to Plaintiffs, which were originally served on Plaintiffs in 2022, and are deemed served as of the date of the completed Rule 26(f) conference held on October 24, 2023. Frontier's initial set of written discovery seeks standard information and documents relating to the subject incident and Plaintiffs' alleged injuries and damages.

As of the date of this correspondence, Plaintiffs have not served responses to Frontier's initial sets of written discovery.

On December 20, 2023, Frontier served notices of the videotaped depositions of the nine adult Plaintiffs to proceed during the weeks of March 4 and March 11, 2024. However, as a result

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of Plaintiffs' failure to respond to Frontier's initial sets of written discovery, Frontier canceled Plaintiffs' depositions and will reschedule these depositions upon receipt of Plaintiffs' initial discovery responses.

Pursuant to Federal Rule of Civil Procedure 37(a)(1) and Local Civil Rule 37.3(a), counsel for Frontier certifies by his signature that he has made multiple efforts to confer in good faith, by correspondence and telephone, with counsel for Plaintiffs to resolve these disputes without court action and before making this discovery motion. Specifically, Frontier has made these good faith efforts regarding Plaintiffs' outstanding discovery responses and document production by conducting multiple teleconferences and sending correspondence, including on January 29, 2024; February 20, 2024; February 21, 2024; February 27, 2024; and March 5, 2024.

Despite Frontier's efforts, the parties have been unable to reach an accord with respect to their disputes, and Frontier still awaits Plaintiffs' responses to its standard discovery requests. Accordingly, Frontier seeks judicial resolution of these pretrial discovery disputes.

Plaintiffs' Position in Response to Frontier's Motion to Compel Plaintiffs

Plaintiffs are in the process of compiling responses to Defendant's Interrogatories and Requests for Production of Documents. However, as there are nine adult and six minor plaintiffs, each with their own set of Interrogatories and Requests for Production of Documents, Plaintiff must compile responses relative to thirty sets of demands. This has presented a logistical challenge made all the more difficult by having six separate minors responding to the collective demands. Plaintiffs anticipate completion of the responses to the demands shortly and hope to have responses within the next two weeks.

Frontier's Reply in Support of its Motion to Compel Plaintiffs to Respond to Discovery

Frontier does not object to two additional weeks for Plaintiffs to respond, but respectfully requests that the Court enter an order directing Plaintiffs to serve all of their responses to Frontier's initial sets of written discovery by a date certain of March 21, 2024.

Thank you for your consideration of the parties' positions regarding Frontier's Motion to Compel Plaintiffs to respond to discovery.

Respectfully submitted,

/s/ Dov Medinets

ATTORNEY FOR PLAINTIFFS

Dov Medinets
Gutman Weiss P.C.
2276 Sixty-Fifth Street, 2nd Floor
Brooklyn, NY 11204

/s/ Brian T. Maye

ATTORNEYS FOR DEFENDANT

Brian T. Maye (Admitted *Pro Hac Vice*)
Kristin A. Hoffman (Admitted *Pro Hac Vice*)
Hinshaw & Culbertson LLP
151 N. Franklin Street, Suite 2500

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Telephone: (718) 259-2100
dm@gwpclaw.com

Chicago, Illinois 60606
Telephone: (312) 704-3000
bmaye@hinshawlaw.com
khoffman@hinshawlaw.com

&

Evan Kwart
800 Third Avenue, 13th Floor
New York, NY 10022
Telephone: (212) 655-3839
ekwart@hinshawlaw.com

cc: Attorneys of Record via ECF